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ABBOTT DIABETES CARE INC.  
and ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORPORATION  
and BAYER HEALTHCARE LLC

Defendants.

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CASE NO. C05-3117 MJJ

**JOINT STIPULATION TO EXTEND  
CERTAIN PREHEARING DATES  
RELATING TO DEFENDANT BAYER'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT ON LACHES**

**AND [~~PROPOSED~~] ORDER**

**JOINT STIPULATION TO EXTEND CERTAIN PREHEARING DATES  
RELATING TO DEFENDANT BAYER'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT ON LACHES**

Plaintiffs Abbott Diabetes Care Inc. and Abbott Laboratories (collectively, "Abbott") and Defendant Bayer Healthcare L.L.C. ("Bayer") hereby file this Joint Stipulation relating to Defendant Bayer's Motion for Partial Summary Judgment.


The parties previously filed a Joint Stipulation with the Court on December 8, 2006 to set forth the agreed dates for discovery, briefing, and hearing on both Defendants Roche's and Bayer's Motions for Partial Summary Judgment on Laches. The Court issued an Order on December 11, 2006, setting the hearing date for the Motions for March 20, 2007, at 9:30 a.m. Because of deposition scheduling difficulties, Abbott and Bayer have agreed to extend two of the previously agreed upon deadlines with respect to the Bayer Motion, as follows:

1. All discovery relating to Bayer's Motion for Summary Judgment shall now be completed by February 16, 2007, instead of February 15, 2007.
2. Abbott will file its substantive opposition to Bayer's Motion for Summary Judgment on or before February 21, 2007, instead of February 20, 2007.

All other deadlines previously agreed on by the parties and approved by the Court – Defendants' replies due on or before March 6, 2007, and hearing on or after March 20, 2007 – will remain the same.

1 DATED: February 5, 2007

MORRISON FOERSTER

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4 Jason Bartlett

5 ATTORNEYS FOR DEFENDANT BAYER  
6 HEALTHCARE LLC

7 DATED: February \_\_, 2007

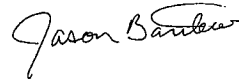
BAKER BOTTS L.L.P.

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9 James W. Cannon, Jr.

10 ATTORNEYS FOR PLAINTIFFS ABBOTT  
11 DIABETES CARE INC. AND ABBOTT  
12 LABORATORIES

1 DATED: February \_\_, 2007

MORRISON FOERSTER

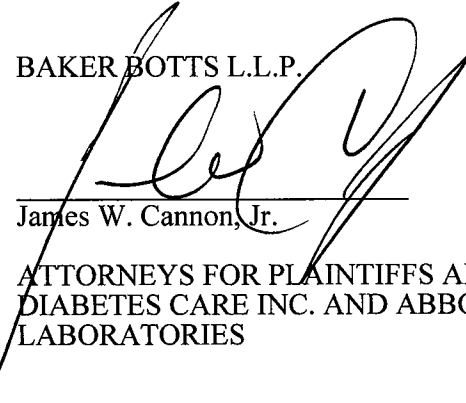


Jason Bartlett

ATTORNEYS FOR DEFENDANT BAYER  
HEALTHCARE LLC

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6 DATED: February <sup>5th</sup>\_\_, 2007

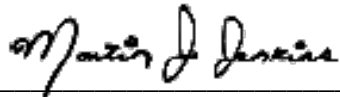
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James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT  
DIABETES CARE INC. AND ABBOTT  
LABORATORIES

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 13, 2007

By:   
THE HON. MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE